

In the Indiana Supreme Court

CASE NUMBER:

ORDER AMENDING RULES FOR ADMISSION TO THE BAR AND THE DISCIPLINE OF ATTORNEYS

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rules 23, 25, and 29 of the *Indiana Rules for Admission to the Bar and the Discipline of Attorneys* are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

INDIANA RULES FOR ADMISSION TO THE BAR AND THE DISCIPLINE OF ATTORNEYS

...

Rule 23. Disciplinary Commission and Proceedings

...

Section 21. Annual Registration Fee

...

(k) An attorney in good standing, who is current in payment of all applicable registration fees and other financial obligations imposed by these rules, and who is not the subject of an investigation into, or a pending proceeding involving, allegations of misconduct, who desires to relinquish permanently his or her license to practice law in the State of Indiana may do so by ~~petitioning the Supreme Court and filing tendering~~ an Affidavit of Permanent Withdrawal from the practice of law in this State to the Executive Secretary of the Indiana Supreme Court

Disciplinary Commission. The Executive Secretary shall promptly verify the eligibility of the attorney to resign under this subsection, and if eligible, forward a certification of eligibility, together with the Affidavit of Permanent Withdrawal to the Clerk of the Indiana Supreme Court, and the Clerk shall show on the roll of attorneys that the attorney's Indiana law license has been relinquished permanently and that the lawyer is no longer considered an attorney licensed to practice law in the State of Indiana. An attorney whose ~~petition is granted~~ resigns under this subsection shall not be eligible for reinstatement under subsection (e) or (f), but may apply for admission under Admission and Discipline Rules 3 through 21. In the event the attorney is not eligible to resign under this subsection, the Executive Secretary shall promptly notify the attorney of all reasons for ineligibility.

...

Rule 25. Judicial Disciplinary Proceedings

...

VIII. Disciplinary Procedure.

...

O. *Recommendation of Commission.* Within ~~thirty~~ twenty days of the filing of the report by the Masters, the Commission shall make a recommendation to the Supreme Court as to the disposition of the judicial disciplinary proceeding under consideration. If the Commission does not concur in the proposed findings of fact, conclusions of law, and, if appropriate, the recommended sanction, the Commission's recommendation as to disposition shall specifically set forth all objections to the report of the Masters and shall be accompanied by a memorandum brief in support of the recommended disposition.

P. Petition for Review.

(1) Within ~~thirty~~ twenty days of the filing of the Commission's recommendation, the judicial officer may file with the Supreme Court a petition for review setting forth all objections to the report or recommendation and the reasons in opposition to the recommended findings of fact, conclusions of law, and, if appropriate, the recommended sanction contained in the report and recommendation. A copy of the petition for review shall be served on all other parties to the proceeding.

(2) The petition shall be verified, shall be based on the record, shall specify the grounds relied on, and shall be accompanied by a brief in support of the arguments offered. Within ~~twenty~~ ten days of service of the petition for review and brief, the Commission may file a reply brief.

...

Rules 29. Mandatory Continuing Legal Education

...

SECTION 6. POWERS AND DUTIES OF THE COMMISSION AND EXECUTIVE DIRECTOR.

(a) In addition to the powers and duties set forth in this Rule, the Commission shall have the power and duty to:

...

(7) Provide quarterly financial reports and an annual report of the Commission activity to the Chief Justice of the Supreme Court. A proposed budget for the coming fiscal year (July 1 – June 30) shall be submitted to the Chief Justice no later than ~~April~~ May 1 of each year.

...

SECTION 10. SANCTIONS AND REINSTATEMENTS.

(a) *Sanctions.*

...

On ~~April~~ May 1 of each year, a list of those Attorneys or Judges still failing to complete the yearly or Educational Period requirements will be submitted to the Supreme Court for immediate suspension from practice of law. These Attorneys or Judges will suffer the suspension of their license to practice law and all related penalties until they are reinstated.

...

These amendments shall take effect on January 1, 2006.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of July, 2005.

Brent E. Dickson
Acting Chief Justice of Indiana

All Justices concur.